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DATE: May 30, 2003

TO: Examiner Anne Kubelik

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Part I of V

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Attorney's Docket No. 5718-210 (35718/257130)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Presnail *et al.*
Appl. No.: 09/829,481
Filed: April 10, 2001
For: ARTHROPOD DEFENSINS

Confirmation No.: 8059
Group Art Unit: 1638
Examiner: A. Kubelik

May 30, 2003

Commissioner for Patents
Washington, DC 20231

COMMUNICATION

Sir:

We have received a Final Office Action for the above case dated 5/20/03. The Action indicated that the Examiner had not received copies of the cited references with the previously-filed Amendment and that therefore those references had not been considered (see page 3, second line; page 3, third full paragraph; page 4, second full paragraph; and page 5, third full paragraph). However, Applicants did submit the references with the previously-filed Amendment, as indicated by the return postcard filed with the Amendment (copy transmitted herewith). Applicants had no way of knowing that the Examiner had not received the references, although of course Applicants would have been happy to provide additional copies of the references on request.

Applicants are transmitting herewith a copy of the previously-filed Amendment together with copies of the cited references (Boman *et al.* (1995) *Annu. Rev. Immunol.* 13: 61-92; Broekaert *et al.* (1995) *Plant Physiol.* 108: 1353-1358; Bulet *et al.* (1999) *Dev. Comp. Immunol.* 23: 329-344; Cho *et al.* (1996) *Insect Biochem. Molec. Biol.* 26: 395-402; Hetru *et al.* (1998) "Antimicrobial peptides from insects," in *Molecular Mechanisms of Immune Responses in Insects*, eds. Brey and Hultmark (Chapman & Hall, London); Lamberty *et al.* (1999) *J. Biol. Chem.* 274:9302-9326; Oh *et al.* (1999) *Plant Mol. Biol.* 41: 313-319; Terras *et al.* (1995) *Plant Cell* 7: 573-588; Thevissen *et al.* (1996) *J. Biol. Chem.* 271: 15018-15025; Thevissen *et al.*

RTA01/2137488v1

In re: Presnail *et al.*
Appl. No.: 09/829,481
Filed: April 10, 2001
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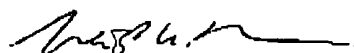
(1999) *App. Env. Microbiol.* 65: 5451-5458; and White *et al.* (1995) *Curr. Op. Struct. Biol.* 5: 521-527.

Accordingly, Applicants request that the Examiner withdraw the finality of the Office Action dated 5/20/03, consider the Amendment as previously filed with the cited references, and either allow the claims or issue a new Action.

As always, if in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject Application, the Examiner is invited to call the undersigned at (919) 862-2220.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

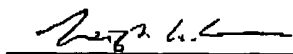
Respectfully submitted,



Leigh W. Thorne
Registration No. 47,992

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Commissioner For Patents
Washington, DC 20231

Date Mailed: February 21, 2003

Atty. Dkt. No. 5718-210 (35718/257130)

Application No. 09/829,481; Filing Date: April 10, 2001

Inventor(s): Presnail *et al.*; Title of Invention: "ANTHROPOD DEFENSINS"

Documents Enclosed: Amendment (19 pages); Copies of References;

Supplemental IDS (1 page); Form 1449 (1 page); and copy of 1 translated
abstract of a reference (1 page)

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